

58 884555 508 US

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**  
**(Small Entity)**

Docket No.

In Re Application Of:

Authier

Serial No.  
09/429,939Filing Date  
10/29/99Examiner  
Prunner, K.Group Art Unit  
3751

Invention: WATER FREEZE CONTROL FOR HOT TUB SPA

**TO THE COMMISSIONER FOR PATENTS:**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 10/10/2003 in the above-identified application.  
 Date

The requested extension is as follows (check time period desired):

One month  Two months  Three months  Four months  Five months

from: 04/07/2004 \* until: 04/10/2004

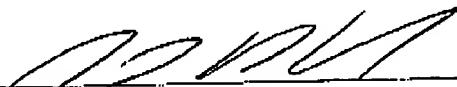
\* measured from date of Advisory Action

A verified statement of small entity status as a small entity under 37 CFR 1.27:

is enclosed.  
 has already been filed in this application.

The fee for the extension of time is \$55 and is to be paid as follows:

A check in the amount of the fee is enclosed.  
 The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to  
 Deposit Account No. 200678  
 If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 200678



Signature

Dated: 04/08/2004

John R. Ross, III  
 Regis. No. 43060  
 Ross Patent Law Office  
 P.O. Box 2138  
 Del Mar, CA 92014  
 858-755-3122  
 FAX: 858-755-3122

cc:

I certify that this document and fee is being deposited on 04/08/2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

John R. Ross, III  
 Typed or Printed Name of Person Mailing Correspondence

P12SMALL/REV05

RE 58445538 US

CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL (Small Entity)

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

 DUPLICATE (Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

Authier

Prunner, K.

3751

Address to:  
Mail Stop CPA  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450This is a request for filing a  continuation or  divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/429,939 filed on 10/29/99 and entitled:**WATER FREEZE CONTROL FOR HOT TUB SPA**

1.  Enter the unentered amendment previously filed on 02/10/2004 under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3.  This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent is enclosed.
5.  Small Entity Status:
  - a.  A small entity statement is enclosed.
  - b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
6.  The fee for this application is calculated as follows:

## CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	13	-20 =	0	x \$9.00	\$0.00
Indep. Claims	3	-3 =	0	x \$40.00	\$0.00
Multiple Dependent Claims (check if applicable)				<input type="checkbox"/>	\$0.00
				<b>BASIC FEE</b>	\$385.00
				<b>TOTAL FILING FEE</b>	\$385.00

P21SMALL/REV08

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7.  The Director is hereby authorized to credit overpayments or charge the following fees to Deposit  
Account No. 200678

- fees required under 37 C.F.R. 1.16.
- fees required under 37 C.F.R. 1.17.
- fees required under 37 C.F.R. 1.18.

8.  A check in the amount of \$440.00 is enclosed.

9.  An Information Disclosure Statement (IDS) is enclosed:

- a.  PTO-1449
- b.  Copies of IDS Citations

10.  Also enclosed:

A request for a 1 month extension of time with \$55 fee.

Note: the CPA filing fee and 1 month extension fee are combined in 1 check for \$440.00.

11.  The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either (1) completed as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. 156(a)(2). Therefore, the prior application of a CPA may have been filed before, on, or after June 8, 1995.

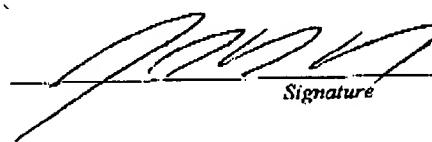
**C.I.P. NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but may be filed under 37 C.F.R. 1.63(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to copies of, or information concerning, the prior application, may be given similar access to copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 C.F.R. 1.78(a).

Dated: 04/08/2004



Signature

John R. Ross, III

*Typed or printed name*

43060

*Registration Number (if applicable)*

Inventor(s)

Assignee of complete interest

Attorney or agent of record

cc:



**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7.  The Director is hereby authorized to credit overpayments or charge the following fees to Deposit  
Account No. 200678

- fees required under 37 C.F.R. 1.16.
- fees required under 37 C.F.R. 1.17.
- fees required under 37 C.F.R. 1.18.

8.  A check in the amount of \$440.00 is enclosed.

9.  An Information Disclosure Statement (IDS) is enclosed:

- a.  PTO-1449
- b.  Copies of IDS Citations

10.  Also enclosed:

A request for a 1 month extension of time with \$55 fee.

Note: the CPA filing fee and 1 month extension fee are combined in 1 check for \$440.00.

11.  The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

1726

**ROSS PATENT LAW OFFICE**  
PO BOX 2138 (858) 755-3122  
DEL MAR, CA 92014

5 PALEO BOX 2138 (858) 755-9122  
PEL MNR, CA 92014

PAY TO THE Commissioner of Patents & Trademarks \$ 490.00  
ORDER OF Four hundred ninety dollars 490.00  
DOLLARS 490.00

## Bank of America.

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**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**  
**(Small Entity)**

**RECEIVED**  
**CENTRAL FAX CENTER**

Serial No.: 09/429,939  
 Filed: 10/29/99  
 Applicant: Authier  
 For: WATER FREEZE CONTROL FOR HOT TUB SPA

Examiner: Prunner, K.  
 Group Art: 3751

JUL 27 2004

**OFFICIAL**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**

This is petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 10/10/2003 in the above-identified application.

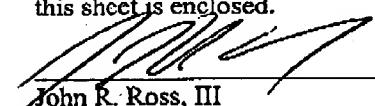
The requested extension is for three months from 01/10/2004 to 04/12/2004. The fee for a 3 month extension of time is \$475.00. A petition for a 1 month extension of time with \$55 fee was already filed on 2/10/2004. Therefore, the total fee owed is \$475.00 - \$55.00 = \$420.00.

The fee for the amendment and extension of time has been calculated as shown below:

The fee for the amendment and extension of time is to be paid as follows:

- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 200678.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 200678:
  - Any additional filing fees required under 37 CFR 1.16.
  - Any patent application processing fees under 37 CFR 1.17.

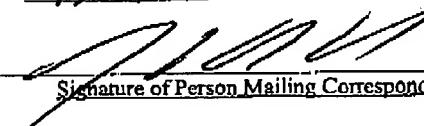
If any additional extension of time is required, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 200678. A duplicate copy of this sheet is enclosed.

  
 John R. Ross, III  
 Regis. No. 43060  
 Ross Patent Law Office  
 P.O. Box 2138  
 Del Mar, CA 92014  
 858-755-3122  
 FAX: 858-755-3122

4/12/04  
 Date

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306 on 4/12/04

  
 Signature of Person Mailing Correspondence

John R. Ross, III  
 Typed or Printed Name of Person Signing this Certificate